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In re Application of :
Akimoto et al. :
Application Number: 10/550711 : ON PETITION
Filing Date: 02/17/2006 :
Attorney Docket Number: 47231- :
5005 :

This is a decision on the petition styled under 37 CFR 1.137(b), filed on June 6, 2008, which in view of petitioners' statement that a response was timely filed, is first treated as a petition to withdraw the holding of abandonment of the above-identified application.

The petition to withdraw the holding of abandonment is **GRANTED**.

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

The application was held abandoned on January 5, 2008, for failure to timely respond to the non-final Office action mailed on October 4, 2007, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on May 30, 2008.

Petitioner asserts that an amendment and three (3) month extension of time were timely filed on April 4, 2008, but that the amendment miscaptioned the application number as "10/550,771."

A review of the Official file reveals that the documents submitted on April 4, 2008, have been located and have been associated with the instant application file. It is noted that the amendment and extension of time miscaptioned the application number as 10/550,771 (emphasis added).

Under current Office procedure, a response that has an incorrect serial number is handled in accordance with MPEP 508.03. If a paper having an incorrect serial number contains sufficient information to identify the correct application and was timely received at the PTO, the holding of abandonment will be withdrawn.

The first named inventor's name, title of invention, filing date, attorney docket number, examiner's name, and Art Unit are correctly stated on the amendment, extension of time, and other papers filed on April 4, 2008.

In reviewing the papers which were submitted, it is therefore concluded that there was sufficient information thereon to associate the papers with the instant file.

Accordingly, the holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

As the holding of abandonment is withdrawn, the petition to revive the application will be dismissed as moot. The petition fee will be credited to counsel's deposit account.

This application is being referred to Technology Center Art Unit 1621 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions